

Implementation Team Meeting Notes

February 3, 2005

NOAA Fisheries Offices, Portland, Oregon

1. Greetings and Introductions.

The February 3 Implementation Team meeting was chaired by Jim Ruff and facilitated by Donna Silverberg, who led a round of introductions and a review of today's agenda. The following is a summary, not a verbatim transcript, of the items discussed and decisions made at today's meeting. Any questions about these notes should contact Kathy Ceballos at 503/230-5420.

2. Updates.

A. In-Season Management (TMT). Cindy Henriksen said the TMT has been discussing the water supply forecast, which, in general, is below-average this year. The water supply from Canada down to Grand Coulee is looking good, but elsewhere, the forecast is more problematic. The January final water supply forecast is 57.2 MAF at Grand Coulee, 91% of average; the February forecast for that basin has improved slightly, to 95% of average. At Libby, the January early-bird forecast was 93% of average; at Hungry Horse, 91% of average. The February early-bird forecast from the River Forecast Center for Hungry Horse is now 77% of average. At Lower Granite, the January final forecast was 69% of average, 14.9 MAF, which would put flow augmentation in the spring and summer at the lower end of the scale. Brownlee is at less than 50% of average. At The Dalles, the January final forecast was 80% of average, 85.6 MAF, trending downward to 79% (84.5 MAF) in the February early-bird forecast.

On the plus side, the reservoirs are in pretty good shape, currently, Henriksen said. Libby is currently at elevation 2412, or 47 feet from full pool; Hungry Horse is near elevation 3545, or 15 feet from full; Albeni Falls is operating in the 2055-2056-foot range; Grand Coulee is at elevation 1288, while Dworshak is near elevation 1558 feet, about 42 feet from full.

TMT has now completed the 2005 Water Management Plan and fall/winter update, incorporating input from Idaho, CRITFC and Washington, Henriksen continued. We're currently maintaining an 11.9-foot minimum Bonneville tailwater elevation for the chum redds in the Lower Columbia. At Grand Coulee, the drum gate work will be going forward this year; Reclamation will be evacuating Grand Coulee to elevation 1255, far below its April 10 flood control elevation of 1283, for the drum gate repair work, which has been deferred for several years. That is a six-week repair operation, which will extend into mid-May. The challenge will

be keeping the reservoir below elevation 1255 for that period, then refilling by June 30. It will be an interesting spring period, given those operational constraints, she said.

If the freshet is early, what's the fallback plan, if we can't capture much of it, in terms of refill? asked Bill Tweit. Then we'll just have to do the best we can, and summer flows will be lower, Henriksen replied – Reclamation and the other action agencies are well aware of the need to refill. The next TMT work product will be to prepare the spring/summer update to the 2005 WMP, Henriksen added.

B. Water Quality Team Update (WQT). Mark Schneider said one of the main efforts the WQT enters into each year at this time is a review of the TDG fixed monitoring system – how it performed last year, and how that performance might be improved this year, as called for in the FCRPS BiOp. We're in the process of completing that effort this year, he said. The major changes will take place in the Snake River, where the forebay monitoring stations will be moved from the face of the dams to the upper end of the navlock guide wall, and deeper to a depth of 15 meters. This should give us a much more stable reading on the dissolved gas levels below these projects, Schneider said. At the next WQT meeting, we'll be looking at some TMDL activities as they relate to the 2004 BiOp, he added.

The review of the FMS came about because of a report from Joe Carroll? Ruff asked. It's an annual process that originated with the 2000 BiOp, Schneider replied. Carroll is a Corps contractor who tracks the performance of the fixed monitoring system; he did come to a WQT meeting earlier this year and reported on the 2004 Snake River TDG studies. That resulted in the WQT adopting a set of FMS recommendations, said Schneider. At McNary, there are some similar changes that may occur with its forebay site. Other projects being looked at by the WQT include The Dalles, specifically, its tailrace monitor, which has been suspect for years. We're also looking at the Camas/Washougal site, he said. The bottom line is that we never like to abandon an existing site before we've found a better site, said Schneider – the WQT is looking for the most stable, representative sites that will not be influenced by solar heating, wind etc.

C. TMDL Update. Mary Lou Soscia said that, as most of the IT members know, EPA Region 10 was involved in litigation on TMDLs all around the Northwest – three separate lawsuits, all of which have been settled via settlement agreements. Those agreements laid out a timeline for establishing TMDLs to help streams move toward attainment of water quality standards. There were close to a thousand TMDLs to accomplish in Oregon, Washington and Idaho. The states do the TMDLs and EPA provides support. Because of the Columbia River power system, EPA entered into an agreement to work with the three states on those TMDLs; EPA is issuing the TMDLs for these waters, and will develop the Idaho TMDLs.

EPA undertook the mainstem temperature TMDL effort in 2000, Soscia said; we used a one-dimensional model, RBM-10, to understand the temperature impacts of point and non-point sources. It was a very public process. In the fall of 2002, we issued a preliminary draft temperature TMDL, and then there were some conversations among the federal agencies about the issues involving dams. The TMDL was put on hold; in 2003, we received a court order to

promulgate temperature standards for Oregon. A key issue in both the TMDL and Oregon standards was use attainability analyses' especially for federal dams.

We've kept the TMDL on hold for now, while we flesh out how we're going to do this use attainability work, Soscia said. Last spring, Oregon established a collaborative work group, including Reclamation, the Corps, local parties, commercial water users, etc. That process was quite productive; Oregon has now produced a draft internal guidance directive on the use attainability analysis process, as has Washington. There is concern about the potential economic impact and burden of meeting the temperature TMDL, hence the interest in the use attainability analysis.

So we've been working with people to get that process in place, Soscia said; the draft Oregon guidance document is expected to go out for public comment by May or June. Use attainability analysis includes an assessment of the measures needed to meet the standard; if you go as far as you can, and can't go any further, then there is a possibility of a sub-category designation, such as an existing use with the presence of the dam. We're still sorting through the details, she said, but this is something that is worth paying attention to. Section 7 and tribal consultation will be needed before EPA can approve a use attainability analysis.

With respect to the TMDL, we are under court order to get that accomplished under a strict timeline, said Soscia; the states are accomplishing their TMDLs more quickly than anticipated. EPA will be talking to the states in February about the status of both the TMDL and use attainability processes. Again, if you'd like more information, please contact me directly, she said.

How is "as far as you possibly can" defined? Jim Litchfield asked. We're working on that now, Soscia replied; it will involve economic analysis. The Oregon guidance document covers all water quality parameters? Bill Tweit asked. Yes, Soscia replied. One of the major issues around the country is the economic burden caused by the need to mitigate for combined sewer overflow; that's another thing we're working on. How does this process relate to the FERC relicensing processes? Tweit asked. The two processes need to come together, Soscia replied – each project needs to have an established TMDL, and it makes sense to get that in place before FERC relicensing. There are a lot of things sort of orbiting out there, and we need to make sure they're all brought together. Is there a chance that the temperature TMDL will be completed before Priest Rapids and Rocky Reach projects are relicensed later this year? Tweit asked. Maybe, Soscia replied.

3. Update on the Columbia River Initiative (CRI).

Tweit said this update is timely, because recently, the CRI has passed a couple of major of hurdles. He introduced Gerry O'Keefe of WDOE, the manager of the CRI project, who provided an overview of this ongoing effort. He noted that new Washington Governor Christine Gregoire has not yet had an opportunity to develop a position on the CRI program; it will be some time before we know what direction she wants to take, he said. O'Keefe noted that earlier

Washington had contracted with the National Academy of Sciences to assess the state of the existing information about the river, and to assess the impacts of issuing new water rights for up to 1 million acre-feet of new withdrawals from the Columbia. Their conclusion was that ESA-listed fish are already at extreme risk, and that their needs should be very closely considered. At the same time, we contracted with the University of Washington to conduct an economic analysis that showed that these new water withdrawals would create up to 18,000 new jobs and \$841 million per year, he said. Obviously there is value in the water; it's also obvious that the state would be justified in making some investment to make that water available.

In the course of his presentation, O'Keefe touched on the following major topics:

- Origin and objectives – to end the 1991 moratorium on new water withdrawals from the Columbia by establishing a new state water management program for the Columbia that meets the needs of a growing population and a healthy economy, meets the needs of fish and healthy watersheds, reflects sound scientific and economic information, and can be effectively implemented and sustained.
- Problems and needs – the controversy surrounding state water management and water rights on the Columbia River mainstem; at the same time, the state has hundreds of applications for new state water rights on the Columbia, many of which have been pending for more than a decade. At the same time, endangered salmon in the Columbia River are at high risk.
- Washington's conclusions from the U of W and NAS reviews: that the economic consequences are huge, with gains to be made if a solution can be found and losses to be suffered if inaction is the only choice; the economic yield is very large, making an up-front investment worthwhile; any water management program must address the current and increasing risks to salmon; positive contributions to salmon recovery minimize the risk to salmon, and ultimately provide more certainty to the economic yield.

O'Keefe then described the proposed new water management program:

- Over 20 years, the state would secure 728,000 acre-feet of water to ensure that existing interruptible water rights would not be interrupted during a future drought; and to provide certainty for recently-issued permits, process the pending applications for new water rights, meet the needs for future growth along the river, and reduce the risks to fish by improving stream flows in the mainstem
- The water efficiency program would involve increased water conservation by paying for additional conveyance programs and on-farm projects, changes in how existing storage and conveyance facilities are managed, and developing new multipurpose water storage facilities
- The water acquisition program would involve state purchasing of existing water rights, and purchasing water from existing mainstem storage (including Lake Roosevelt and Canada) to make water available in the mainstem during the fish migration periods.
- Once secured, water would be held and made available via a new state water management account for the mainstem. A portion of this water would be available as

- fish mitigation water to offset the effects of new uses of water from the mainstem
- State funding would be used to establish the water account. Access to water from the account would be subject to an annual payment based on water use.

O'Keefe said the CRI water agreements include developing the following CRI basin MOUs with state, Reclamation and irrigation districts:

- Mainstem storage program
- Mainstem drought relief
- Municipal and industrial water supply
- Odessa subarea
- Potholes Reservoir operation
- Streamflows for fish
- Water from Canada

He also touched on the following CRI agreements in principal:

- The Colville tribes support of CRI and proposed additional Lake Roosevelt drawdown
- State to pursue replacement water for drawdown, and not to seek additional drawdowns under CRI. State to evaluate impacts of drawdown and mitigate/compensate as needed
- State creates an economic development capital fund until replacement water is found
- State creates a fisheries enhancement capital fund
- States and tribes to conduct a joint new water storage program
- Develop ways to measure tribal reserved water rights in future formal proceedings
- Study source control for arsenic in the Similkameen River
- Update natural resource intergovernmental agreements
- Coordinate with federal action agencies; tribes participate in pursuing water from Canada

In response to a question, O'Keefe said CRI would result in an additional Lake Roosevelt summer drawdown of 1-1.5 feet in most years, with the caveat that this volume would be refilled by September 30. Tweit noted that, under the CRI, there would actually be more water moving down through the mainstem during the critical summer migration months, particularly during drought years.

O'Keefe noted that, in general, there has been a surprising willingness among many entities in the basin, including tribal, industrial and environmental organizations, to work cooperatively to break this policy gridlock. The bottom line is that the CRI program, as currently envisioned, would create 9,000 new jobs and \$400 million in annual revenues for the state, while including a "three in, two out" policy on water withdrawals – in other words, the state believes it would be possible to create these economic benefits while actually improving streamflows during the April-August period. In response to a question, O'Keefe said the CRI program would require 728,000 acre-feet of new water to be put into the system each year, while annual water allocations would total 465,000 acre-feet. Some of this exchange would be accomplished through shaping and seasonal exchange; Suzanne Cooper noted that, from BPA's

perspective, there would be some concern about reducing streamflows during the winter, when regional power demand is at its peak. And we are studying what the power impacts would be, over time, O'Keefe replied.

On Page 5, there are a couple of paragraphs describing CRI's economic benefits, said John Palensky – I'm not sure how to make these numbers work. The number in the third bullet down, \$186 million, is a net number, a primary benefit only, and a sum over the 20-year period, O'Keefe replied. We also describe the annual increase in state revenue (\$39 million) that would accrue if the state allocates another 500,000 acre-feet of water, he said. And costs would total \$113 million? Palensky asked. Correct, O'Keefe replied, but that total doesn't include the development of new off-channel storage.

Where does this go from here? Jim Litchfield asked. I understand that it is before the state Legislature; is there a chance it could pass this year? There's a chance, but it also has some powerful opponents, O'Keefe replied – there are concerns about the precedence this would set, about the science underlying our assumptions, about charging for access to water. It's going to be interesting to see how this goes, but if it passes, we will begin aggressively to pursue the sources of water outlined in this report. If it passes, one thing we could pursue, potentially this year, is the additional summer water from Grand Coulee. The new water from Potholes Reservoir and agreements with the Canadian sources could be accomplished within the next two or three years. New storage on the river, on the other hand, is 20 years away.

What does the legislation actually do? Litchfield asked. It tells the department to pursue new water, to set the amount of payments the users would pay the state, it establishes a period for the program, and it directs the Department of Ecology to begin making water available to willing permit applicants and to also improve streamflows in the Columbia River, among other actions, O'Keefe replied.

If Gov. Gregoire is not interested in this CRI, what will happen to the legislation? Denny Rohr asked. I think it may die, frankly, O'Keefe replied; still, that's just my theory at this point. However, I think it will take an energetic governor to get this passed, he said, noting that Gov. Gregoire's Chief of Staff Tom Fitsimmons believes strongly in the CRI program. WDOE expects to get a read from the Governor's office as to their position on the CRI some time later this month. The bottom line is that, even if this legislation doesn't pass, the stalemate is not going to go away, Tweit said. Ruff asked that the IT receive further updates on this topic as more information becomes available. Tweit concurred.

4. Update on NOAA's Response to the NPCC Letter Regarding Operation of Libby and Hungry Horse Reservoirs.

Ruff distributed copies of the action agencies' response to the letter from Melinda Eden, Chair of the Northwest Power and Conservation Council; it is a short letter, he said, essentially saying that the federal agencies are still reviewing the ISAB report, and are still working on the

Libby and Hungry Horse issues raised by the Council. Rock Peters noted that the Corps supports bringing this issue back through the Regional Forum for further discussion.

Jim Litchfield thanked the federal agencies for their consideration of this issue; one thing I wanted to emphasize is that, last year, the operation the action agencies implemented at Libby and Hungry Horse produced some of the best biological conditions seen in Montana in many years, he said. Brian Marotz agreed, noting that the flatter flows from Libby and Hungry Horse during the biologically-productive summer months yielded excellent insect hatches and other food production and, overall, some of the most productive biological conditions he has seen in his entire career. The 2005 research programs in the Flathead and Kootenai systems will allow us, for the first time, to closely track the biological benefits of this change in operations on the benthos, in the reservoirs, and on the resident fish themselves. That work has just been funded, so the research is now getting underway, Marotz said. The only part of last year's operation that wasn't very good was in September, when flows dropped precipitously and dewatered a lot of substrate. If we could take the sag out, going into winter, by keeping flows just 1-2 Kcfs higher, that would leave us in a lot better position heading into the winter, said Marotz.

With respect to the letter, the NOAA review of the report – will NOAA also be looking at comments on the ISAB report? Tweit asked. We can look at comments too if there are any, Ruff replied. When would those comments need to be in? Tweit asked. We haven't really talked about timeline among the federal agencies, Ruff replied; obviously, once we have a forecast, the Regional Forum would need to address a specific operational proposal prior to the summer management period. With respect to when comments need to be submitted, I would say right away, said Ruff.

One obvious place to start talking about how this proposed operation might be implemented is in the spring/summer update to the 2005 Water Management Plan, Litchfield observed – the more we know going into June, the better off we'll be. It sounds as though we'll have to have a specific proposal for discussion no later than the May IT meeting, Tweit said. That would be the latest the IT could discuss it, Silverberg replied – obviously, the earlier, the better. Montana stands ready to sit down and work with you at any time, said Litchfield. In response to another question, Ruff said that any comments on the ISAB report should be submitted directly to Bob Lohn at NOAA and to the Council Chair. And we will discuss this topic further at a future IT meeting, said Silverberg.

5. Update on the Efforts of the Columbia River Basin Lamprey Technical Workgroup to Prioritize Critical Uncertainties.

Tom Iverson said he had been asked to update the IT on the recent work of the Lamprey Technical Work Group (LTWG); he distributed copies of a memo laying out the timeframe and events associated with this task. He noted that, with the request for listing, about a year ago, the LTWG became much more active, particularly in the area of prioritizing the critical uncertainties

associated with this species. We also provided some passage criteria for ODFW this summer, Iverson said.

Iverson noted that, in the fall of 2004, CRITFC organized a lamprey “summit;” one of the things that came out of that summit was a call to identify the critical uncertainties associated with this species. To that end, the work group met in a facilitated retreat on December 1-2, which yielded a list of critical uncertainties facing both anadromous and resident lamprey. On January 24, the work group, which includes representatives from NOAA, the Mid-Columbia PUDs and the tribes, met to compile this information into a draft report covering the anadromous component of the species. In March, the group will reconvene to consider the needs of the resident component of the lamprey population. The group’s final report will be an approved CBFWA document, and will be sent to the Fish and Wildlife Service, the Lamprey Summit Steering Committee and to CRITFC in April 2005.

Iverson noted that the first critical uncertainty is simply to assess the status of the population – numbers, distribution etc. Mainstem passage measures for anadromous lamprey is another critical need. Other important uncertainties include population delineation, limiting factors, restoration activities, biology/ecology, and population dynamics (predictive analyses). Overall, we’ve been doing some good work, said Iverson; it is important to note, however, that this doesn’t cover all of the lampreys’ needs – it’s just a start.

Who would fund the population status and passage research? Ruff asked. This effort isn’t about funding, Iverson said – its purpose is, if the Council is going to spend money on lamprey, they will look at this document to guide their project solicitation process. We would also hope that groups like SCT and TMT would also use our report to consider lamprey needs when they discuss mainstem passage-related activities for anadromous salmonids, he added.

Why wasn’t “limiting factors” ranked higher? Cooper asked. Primarily because of the very serious uncertainties regarding lamprey population status and passage requirements, Iverson replied – clearly mainstem passage is a limiting factor; we already know that. And what is the status of the proposed listing? Rohr asked. I believe the Fish and Wildlife Service declined to list them, because not enough information is known at this time, Iverson replied.

6. Salmon and Steelhead Recovery Update.

Rob Walton provided a presentation titled “Salmon and Steelhead Recovery: February 3, 2005 Update.” He noted that this is intended as an early heads-up about upcoming recovery planning efforts.

Walton touched on the following major topics:

- Scrutiny of salmon funding budgets is increasing; salmon funding “fatigue” is increasing
- Recovery and delisting: key terms – viability, recovery goal, delisting criteria
- Geographic recovery domains (map) – southwestern Washington, Oregon coast, Puget

Sound, Lower Columbia/Willamette River, upper Columbia, middle Columbia, Snake River, out-of-subbasin effects

- Policy forums by domain – a number of domains will be producing draft recovery plans as early as June 2005
- The Upper Columbia Policy Forum (example of structure) – Upper Columbia Salmon Recovery Board, various stakeholders, including PUDs, steelhead clubs, the farm bureau, irrigation districts, environmental groups and municipalities
- Recovery plans (description) – provide roadmaps to recovery (delisting), are guidance documents, not regulatory, but inform Sections 4(d), 7 and 10), provide federal planning guidance etc.
- A recovery plan must include: site-specific actions, objective, measurable criteria for delisting, and estimates of time required and implementation costs
- Recovery planning components
- Existing agreements to be incorporated: subbasin plans and the Council program, SRBA, US v. Oregon, etc.
- Upper Columbia Recovery Plan development (flow chart)
- Next steps – clarify trust and treaty role in plans, establish policy forums, ESU population roll-up, all H actions, adaptive management framework etc.
- Integrating processes – NOAA's statutory obligation plus tribal trust and treaty, Washington's recovery process, NPCC subbasin planning etc.
- Lower Columbia River fall chinook – population status by system (hystogram)
- ICTRT integrated assessment of extinction risk (graph)
- LCFRB plan: population example – Greys River fall chinook tributary habitat, hydro access and passage, estuary habitat, hatchery, fishing, predation (pie chart).
- Substantive issues: allocation of effort by “H”, request implementation strategy and schedule from each party, natural and artificial production, best bang for the buck and who pays, monitoring and evaluation etc.

Our goal is to have draft federal recovery plans in place everywhere in the region by December 2005, and to have those plans finalized by 2006, said Walton. The takeaway message is that, regardless of the level of state effort, we hope to have at least a draft recovery plan in place for all of our ESUs by this December; however, the level of detail may vary somewhat from plan to plan. And what can the IT do to help, if anything? asked Ruff. The out-of-subbasin effects analysis will require a collective effort, Walton replied; help from the Science Center and contractors, if we have the resources, will help inform the efforts of the various domains. Any help anyone would care to offer would be appreciated, Walton said.

7. Discussion of the Role of the Regional Forum and its Teams.

At its February 2 meeting, the TMT discussed the team's role in the Regional Forum process. Cindy Henriksen summarized this discussion by saying that the TMT provides opportunities for regional interests to come together, review data and share ideas. It is also a time-consuming process that could benefit from some improvements, such as sharing technical information through caucus sessions, scheduling 'issues' meetings to talk about specific topics

(e.g. fish transportation), and increased focus on the Water Management Plan with greater input from all the non-federal TMT members. Members prefer that issues and decisions come up through the process rather than from a top down approach, and are interested in testing their ideas for process improvements.

From an Implementation Team perspective, what can and should the IT be doing to add value to the Regional Forum process and the region? Silverberg asked. Palensky said the NPCC is still interested in co-sponsoring the IT and looking at how the Regional Forum works. Jim Ruff noted that several of the past year's IT meetings were cancelled due to lack of a substantive agenda and the heavy BiOp work load. Silverberg then asked other IT participants to comment on the group's role in the Regional Forum process:

Tweit said that, from Washington's perspective, with a new governor in office and 2004 FCRPS BiOp litigation ongoing, it is difficult to look ahead regarding the IT's role. TMT is valuable in making real-time operational decisions, said Tweit; the Regional Forum has a difficult time when discussing difficult issues. Washington will prioritize this process as much as possible.

Cooper said that, from BPA's perspective, the IT could spend more time looking at the long-term implications of short-term actions, and try to provide some criteria for management practices to the technical teams.

The Corps commented that there is a perception from the technical teams that issues seem to get kicked back from IT, so a focus on longer-term actions in IT would provide beneficial guidance to the technical teams.

Reclamation said that, if IT focuses on the scope laid out in its guidelines (as a long-term guidance team), IT's role and the perception of the importance of IT could improve.

Judy Danielson said that, from Idaho's perspective, there is concern that waiting until we are in a crisis situation to make decisions means that opportunities get missed. If the same representative is at the technical and policy level discussion, decisions don't easily get made. Idaho would prefer to keep IT policy-focused and have separate technical and policy representatives.

The U.S. Fish and Wildlife Service also suggested that it would be wise to keep technical and policy issues as separate as possible. While there is value in the Regional Forum, it would be helpful to try to build a more collaborative process through the Regional Forum.

Ruff said that NOAA Fisheries has been discussing this topic internally, and wants to re-affirm its commitment to the Regional Forum as a collaborative problem-solving process. Bob Lohn's message is to be true to the process. Ruff acknowledged a breach in protocol last year, and noted that high-priority issues such as Libby/Hungry Horse operations will almost always get made at the top. He noted that Bob Lohn intends to talk with the COE and BPA executives to

get agreement to reaffirm the commitment to the Regional Forum process. Ruff suggested that IT ask the technical teams what type of guidance they would want from IT on specific operational/issues.

In terms of next steps, it was agreed that Palensky will talk individually with IT members about ideas, concerns, and developing an IT Work Plan, and will bring a draft to the next IT meeting. The work plan will include an issues list to be addressed. In addition, it was agreed that state representatives need to get commitment from state executives to reaffirm the process. Danielson will add this to the agenda of an upcoming meeting between the governors.

8. Next IT Meeting Date.

The next Implementation Team meeting was scheduled for March 3. Meeting summary prepared by Jeff Kuechle.